

ROGER B. KING
Name and Prisoner/Booking Number
WINNER CITY JAIL
Place of Confinement
217 E. 3RD ST.
Mailing Address
WINNER SD. 57580
City, State, Zip Code

FILED

JUN 29 2012

[Signature]
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
DIVISION

ROGER BAINES KING
(Full Name of Plaintiff)

Case No. 12-4120
(To be supplied by the Clerk)

Plaintiff,

MD. TONY L. BERRY
MAYOR JESS KESSE
PAUL SCHORDER
LORI KALENDA
(Full Name of Each Defendant)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

Defendants.

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:
a. ☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
b. ☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
c. ☐ Other: (Please specify.) _____

2. Name of Plaintiff: ROGER BAINES KING.
Present mailing address: 217 EAST 3RD ST. WINNER SD. 57580
(Failure to notify the Court of any change of address may result in dismissal of this action.)

Institution/city where violation occurred: WINNER CITY JAIL

JURY TRIAL DEMANDED, CIVIL RIGHTS COMPLAINT
BY A PRISONER.

3. Name of first Defendant: CHIP SCHORDER. The first Defendant is employed as:
SHERIFF at TRIPP COUNTY WINNER S.D.
(Position and Title) (Institution)
This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)
Explain how this Defendant was acting under color of law: EMPLOYMENT
4. Name of second Defendant: RICHARD BERTRAM. The second Defendant is employed as:
SERGEANT at WINNER CITY JAIL
(Position and Title) (Institution)
This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)
Explain how this Defendant was acting under color of law: EMPLOYMENT
5. Name of third Defendant: TRENT SINCLAIR. The third Defendant is employed as:
ASSISTANT CHIEF at WINNER CITY JAIL
(Position and Title) (Institution)
This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)
Explain how this Defendant was acting under color of law: EMPLOYMENT
6. Name of fourth Defendant: LORI KALENDA. The fourth Defendant is employed as:
JAIL ADMINISTRATOR at WINNER CITY JAIL
(Position and Title) (Institution)
This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)
Explain how this Defendant was acting under color of law: EMPLOYMENT

(If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.)

B. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If your answer is "yes," how many lawsuits have you filed? _____. Describe the previous lawsuits in the spaces provided below.
3. First prior lawsuit:
a. Parties to previous lawsuit:
Plaintiff: _____
Defendants: _____

JURY TRIAL DEMANDED CIVIL RIGHTS COMPLAINT BY A

CIVIL RIGHTS COMPLAINT

PRISONER

- b. Court: (If federal court, identify the district; if state court, identify the county.) _____
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____
4. Second prior lawsuit:
- a. Parties to previous lawsuit:
Plaintiff: _____
Defendants: _____
- b. Court: (If federal court, identify the district; if state court, identify the county.) _____
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____
5. Third prior lawsuit:
- a. Parties to previous lawsuit:
Plaintiff: _____
Defendants: _____
- b. Court: (If federal court, identify the district; if state court, identify the county.) _____
- c. Case or docket number: _____
- d. Claims raised: _____
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- f. Approximate date lawsuit was filed: _____
- g. Approximate date of disposition: _____

(If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.)

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C. CAUSE OF ACTION

COUNT I

1. The following constitutional or other federal right has been violated by the Defendant(s):

14TH AMENDMENT.

DUE PROCESS

2. Count I involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)
- ☒ Medical care ☐ Access to the court ☐ Mail
- ☐ Disciplinary proceedings ☐ Retaliation ☐ Exercise of religion ☐ Property
- ☐ Excessive force by an officer ☐ Threat to safety ☐ Other: _____

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

ALL DEFENDANTS ARE GUILTY BY KNOWING OF EXCESSIVE IMMINENT DANGER OF EXCESSIVE CHRONIC PAIN, TO THE POINT OF DEATH IF NO CARE.

LEFT ME WITHOUT ANTIBIOTIC, PAIN MEDICATIONS FOR A FULL 10 DAYS FROM 6/16/12 TO 6/26/12

MD. BURG STILL NOT PUT ME ON PROPER MEDICATIONS MEDICAL RECORDS WILL FOLLOWED IN THIS CASE. SHOULD BE ON TRAMADOL FOR PAIN

REMOVE TONSILS 6/6/12 WINNER REGIONAL HOSPITAL SOUTH DAKOTA,

ALL DEFENDANTS AWARE BUT DISREGARDED EXCESSIVE CHRONIC PAIN, INFECTION.

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

METAL ANGUISH, IMMINENT EXCESSIVE DANGER OF PHYSICAL PAIN

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. MEDICAL REQUESTS, GRIEVANCE

WILL BE SENT IF I CAN OBTAIN?

JURY TRIAL DEMANDED, CIVIL RIGHTS COMPLAINT BY A PRISONER

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COUNT II

1. The following constitutional or other federal right has been violated by the Defendant(s): 14TH AMENDMENT. DUE PROCESS

2. Count II involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)

<input checked="" type="checkbox"/> Medical care	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Exercise of religion
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Property
<input type="checkbox"/> Other: _____		

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

ALL MEDICAL REQUEST NOT ANSWERED A FULL 10 DAYS GRIEVANCE NOT AT ALL. TO THE POINT OF RECKLESSNESS BY ALL DEFENDANTS OF A KNOWN RISK OF DELIBERATE INDIFFERENCE REQUIRES PROOF OF A RECKLESS DISREGARD OF A KNOWN RISK, SERIOUS MEDICAL TREATMENT NEEDED ALL OFFICIALS FAILED AND KNEW OF DELAY, WITHOUT CAUSE OR REASON.

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

BY SUBJECTIVE AND OBJECTIVE OF SERIOUS HARM EXISTS OFFICIALS ALL BY KNOWING AND DID KNOW TO THE POINT OF RECKLESSNESS.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
- Did you appeal your request for relief on Count II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. WILL TRY TO OBTAIN BY THE COURT THEIR IS CORRUPTION HERE, OFFICIALS HONT ANSWER

JURY TRIAL DEMANDED, CIVIL RIGHT COMPLAINT BY A PRISONER

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COUNT III

1. The following constitutional or other federal right has been violated by the Defendant(s):

U.S. CONSTITUTIONAL LAW 8TH, 14TH AMENDMENT.

2. Count III involves: (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count)
- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Medical care | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ |

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

ALL OFFICIALS IN THE STATE OF MINN
OF KNOWING MY MEDICAL ISSUES RECKLESS
AND DELIBERATE DONE NOTHING UNTIL 10
DAYS LATER AFTER THE FACT SHOWING
INDIFFERENCE, AND ARE CORRUPT HERE
BEEN CORRUPT, SO LONG THEY JUST DONT
CARE!

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

RECKLESS DISREGARD OF A KNOWN RISK
MENTAL ANGUISH, PHYSICAL EXCESSIVE PAIN.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count III? ☒ Yes ☐ No
- Did you appeal your request for relief on Count III to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. WILL ATTEMPT TO OBTAIN THESE
FROM CORRUPT OFFICIALS.

(If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.)

JURY TRIAL DEMAND, CIVIL RIGHTS COMPLAINT BY A
PRISONER,

D. REQUEST FOR RELIEF

State briefly what you want the Court to do for you.

AMENDMENT 7. U.S. CONSTITUTION, IN SUITS AT
COMMON LAW, WHERE THE VALUE IN CONTROVERSY
SHALL EXCEED TWENTY DOLLARS, THE RIGHT
BY A JURY SHALL BE PRESERVED, AND NO
FACT TRIED BY A JURY SHALL BE OTHERWISE
RE-EXAMINED IN ANY COURT OF THE
UNITED STATES, THAN ACCORDING TO THE
RULES OF THE COMMON LAW.

THIS CASE IS JURY TRIAL DEMAND AND
IN RELIEF OF 10 MILLION DOLLARS AND
I AM COVERED BY 7TH AMENDMENT 14TH
AMENDMENT 1868 TREATY ENROLLED MEMBER
LOWER BURKE UNITED STATES CITIZEN 14

I declare under penalty of perjury that the foregoing is true and correct.

Executed on ROGER KING
DATE

[Signature]
SIGNATURE OF PLAINTIFF

(Name and title or paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach additional pages. The form, however, must be completely filled in to the extent applicable.

CIVIL RIGHTS COMPLAINT BY JURY TRIAL DEMAND
CIVIL RIGHTS COMPLAINT

DEFENDANTS

- ① MAYOR-JESS KESSE
- ② PAUL SCHUETH - CHIEF OF POLICE, WINNER SD.
- ③ CHIP SCHORDER - SHERIFF OF TRIP COUNTY
- ④ LORI KALENDA - TAIL ADMINISTRATOR
- ⑤ SGT. RICHARD BERTRAM
- ⑥ WINNER CITY OFFICIALS, AND, COUNTY OFFICIALS
UNDER COLOR OF LAW, AND EXECUTIVE
ETAL,
- ⑦ MD TONY BURG OF WINNER REGIONAL
HOSPITAL WINNER SD. 57580

DO TO THE FACT PLAINTIFF IS ENROLLED
LOWER BUREAU ENROLLED MEMBER OF
THE SIOUX TRIBE, IS A UNITED STATES
CITIZEN ONLY, ENTITLED TO THE
WHOLE U.S. CONSTITUTION, AND PRECISE
CONSTITUTIONAL LAW VIOLATIONS,

14TH AND 8TH AMENDMENT, AND
ENTITLED TO DUE PROCESS OF
CONSTITUTIONAL RIGHTS OF 5TH, 6TH, 7TH,
AMENDMENT AS WELL AS 8TH, 14TH,

I WAS DEPRIVED OF RIGHTS SECURED
BY THE UNITED STATES CONSTITUTION AND
LAWS OF THE UNITED STATES OF
MEDICAL TREATMENT FOR A FULL
10 DAYS. AS WELL AS MY CONFINED TO
SCRUTINY UNDER 8TH AMENDMENT
FARMER V. BRENNAN 511 US 825,
832, 114 S CT 2475, 2480, 125 L ED.
2d, 22 (1994); ALSO CITING

HELLING V. MCKINNEY 509 U.S. 253/131
CT 2475 2480 125 L.Ed. 2d 22 (1993).

PROOF IS CLEAR AFTER THE FACT
OF FULL 10 DAYS INFECTION AND EXCESSIVE
PAIN PUT ON ANTIBIOTIC, AND 800mg
MOTRIN, STILL LACKING TRAMADOL FOR
PAIN GIVEN TO ME BY THIS DOCTORS
ROSEBUD SD.

THE DELIBERATE INDIFFERENT STANDARD
IS APPLIED TO CONDITIONS OF CONFINEMENT
STANDARDS APPLIES 8TH AND 14TH
AMENDMENT HOLDEN V. HIRNER, 633
F.3d. 336, 341 (8th Cir 2011); KAHLE V.
LEONARD 477 F.3d, 544, 550
(8th Cir. 2007)

SUBSTANTIAL RISK IS SERIOUS HARM
MEET (OBJECTIVE COMPONENT) Jail
OFFICIALS HAD A SUFFICIENTLY CAPABLE
STATE OF MIND - THEY DID ACTUALLY

(2.)

KNEW AND KNOW BUT DISREGARDED AND WERE DELIBERATELY INDIFFERENT TO MY HEALTH AND SAFETY, BY SEVERAL MEDICAL REQUESTS AND GRIEVANCE

MOTION FOR COURT ORDER TO JAIL ADMINISTRATOR OF MEDICAL REQUESTS AND GRIEVANCE, STATE OFFICIALS WERE PETITION UNDER 1ST AMENDMENT.

(THE SUBJECTIVE COMPONENT) HAS BEEN MET CROW, 403 F.3d. AT 602 CITING PAGEIS V. MORRISON 335 F.3d 736, 740 (8TH CIR. 2003) AND JACKSON V. EVERETT 140 F.3d 1149, 1151 (8TH CIR 1998).

JAIL OFFICIALS WAS BOTH AWARE OF FACTS FROM WHICH THE INFERENCE COULD BE DRAWN, SUBSTANTIAL RISK OF SERIOUS HARM EXISTED AND OFFICIALS ACTUALLY DREW THAT INFERENCE.

CROW, 403 F.3d AT 602; FARMER, 511, U.S. AT 837, 114 S. CT. AT 1979 SEE ALSO HOTT V. HENNEPIN COUNTY, 260 F.3d. 901, 905 (8TH CIR 2001) THE 14TH →
(3.)

AMENDMENT GUARANTEES PRETRIAL
 DETAINEES PROTECTION FROM DEPRIVATIONS
 THAT ARE INTENDED TO PUNISH;
 PERKINS V. GRIMES 161 F.3d 1127
 1130 (8TH CIR 1998) (THE SUBJECTIVE
 COMPONENT MUST BE MET BECAUSE
 ONLY THE UNNECESSARY AND WANTON
 INFLECTION OF PAIN IMPLICATES THE
 8TH AMENDMENT CITING JENSEN V.
 CLARKE 73 F.3d 808, 818 (8TH CIR 1996)
 THE STATE OF MIND IS CLEAR PAIN
 MEDICATION MOTRIN 800 MGS. BY
 M.D. BURY CRUEL AND UNUSUAL PUNISH-
 MENT IS CLEAR, BY STATE OF MIND
 BY OFFICIALS FARMER U.S. AT 838,
 114 S. CT AT 1979; WILSON V. SEITER 501
 U.S. 294, 299, 111 S. CT. 2321, 2324, 115
 L. ED. 2D. 271 (1991) THE UNITED STATES
 SUPREME COURT HAS DIRECTED THAT
 THE STATE OF MIND WHICH IS SUFFICI-
 ENTLY CUPABLE FOR PURPOSE OF AN
 8TH AMENDMENT VIOLATION IS ONE →

PASSED AWAY BECAUSE EXCESSIVE INFECTION
AND PAIN DO TO WINNER CITY OFFICIAL
KNEW BUT DONE NOTHING FOR 10 DAYS
PUT MEDICAL REQUEST IN FOR FULL
10 DAYS AND GRIEVANCE CLEAR EVIDENCE
OF KNOWLEDGE OF JAIL OFFICIALS BY
ALL DEFENDANT AND A NOTICE OF
INTENT TO FILE SUIT REQUESTING
COURT ORDER FOR ALL INFORMATION,
CONSTITUTIONAL FACT AND BY LAW

RELIEF IS 20 MILLION DOLLARS, AND
COURT APPOINTED ATTORNEY UNDER
5, 6, AMENDMENT AND PROTECTION
OF 7TH AMENDMENT FOR JURY TRIAL
ONLY!

THIS 27TH DAY OF JUNE 2012

(5)

ROBERT KING
Roger King